

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

\_\_\_\_\_  
DENNIS J. ANGELERI, Individually And )  
On Behalf of All Others Similarly Situated, )  
Plaintiff, ) Civil Action No. 09-cv-10609 (MGC)  
)  
v. )  
)  
DAYL W. PEARSON, MICHAEL I. )  
WIRTH, and KOHLBERG CAPITAL )  
CORP., )  
Defendants. )  
\_\_\_\_\_  
)

[Additional Captions on Next Page]

**NOTICE OF MOTION BY GLEN FAGIN FOR  
CONSOLIDATION OF RELATED CLASS ACTION COMPLAINTS,  
APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF LEAD COUNSEL**

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**Attorneys for Plaintiff Glen Fagin**

GLEN FAGIN, Individually And On Behalf of All Others Similarly Situated,	)	Civil Action No. 10-cv-080 (MGC)
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
KOHLBERG CAPITAL CORPORATION,	)	
DAYL W. PEARSON and MICHAEL I.	)	
WIRTH, CHRISTOPHER LACOVARA,	)	
SAMUEL P. FRIEDER, and TURNERY	)	
C. STEVENS.	)	
	)	
Defendants.	)	
	)	
JACOB LACHMAN, Individually And On Behalf of All Others Similarly Situated,	)	
	)	Civil Action No. 10-cv-0231 (MGC)
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
KOHLBERG CAPITAL CORPORATION,	)	
DAYL W. PEARSON and MICHAEL I.	)	
WIRTH, CHRISTOPHER LACOVARA,	)	
SAMUEL P. FRIEDER, and TURNERY	)	
C. STEVENS.	)	
	)	
Defendants.	)	
	)	

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

**PLEASE TAKE NOTICE** that on a date and time to be set by the Court, before the Honorable Miriam Goldman Cedarbaum, at the United States District Court, Southern District of New York, Courtroom 14A at the Daniel Patrick Moynihan United States District Courthouse, 500 Pearl Street, New York, New York, Glen Fagin (“Fagin”), will respectively move this Court for an Order: (1) consolidating all actions filed in the

Southern District of New York which are related to above-captioned class actions for all purposes, pursuant to Fed. R. Civ. P. 42(a); and (2) pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 (“Exchange Act”), 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), appointing Fagin as Lead Plaintiff in the above-captioned action and approving his choice of the law firm of Pomerantz Haudek Grossman & Gross LLP (“Pomerantz”) as Lead Counsel for the Class.

Fagin intends to demonstrate that he has the largest financial interest in the relief sought by the Class and, thus, should be appointed Lead Plaintiff. Fagin sustained a total loss of \$4,076 related to his investments in Kohlberg Capital Corporation (“Kohlberg”) securities between March 16, 2009 and December 24, 2009 (the “Class Period”). Fagin satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure as his claims are typical of other Class members’ claims, and he will fairly and adequately represent the interests of the Class.

This motion is based upon this Notice of Motion, the accompany Memorandum of Law in support thereof, the pleadings and other files herein, and such other written or oral argument as may be permitted by the Court.

WHEREFORE, Fagin respectfully requests that the Court: (1) consolidating the Related Actions; (2) appoint Fagin as Lead Plaintiff pursuant to Section 21D(a)(3)(B) of the Exchange Act; (3) approve Fagin’s selection of Lead Counsel for the Class; and (4) grant such other and further relief as the Court may deem just and proper.

Dated: March 1, 2010  
New York, New York

Respectfully submitted,

**POMERANTZ HAUDEK  
GROSSMAN & GROSS LLP**

/s Marc I. Gross \_\_\_\_\_

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